

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE ON BEHALF OF
MORGAN STANLEY ABS CAPITAL I INC.
TRUST 2006-HE5, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-
HE5,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE GROUP,
INC.; FIDELITY NATIONAL TITLE
INSURANCE COMPANY; DOE
INDIVIDUALS I through X; and ROE
CORPORATIONS XI through XX, inclusive,

Defendant.

Case No.: 2:20-cv-02355-ART-NJK

ORDER APPROVING

**STIPULATION FOR
LIMITED STAY OF CASE**

Plaintiff Deutsche Bank National Trust Company as Trustee on Behalf of Morgan Stanley
ABS Capital I Inc. Trust 2006-HE5, Mortgage Pass-Through Certificates, Series 2006-HE5
("Plaintiff") and Defendants Fidelity National Title Group and Fidelity National Title Insurance
Company ("Defendants") (collectively the "Parties") by and through their respective counsel,
hereby stipulate and agree as follows:

This matter involves a title insurance coverage claim wherein Plaintiff contends, and
Defendants dispute, that the title insurance claim involving an HOA assessment lien and

1 subsequent sale was covered by the subject policy of title insurance. There are now currently
2 pending in the United States District Court for the District of Nevada and Nevada state courts
3 more than one-hundred actions between national banks, on the one hand, and title insurers, on the
4 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
5 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
6 and/or CLTA 115.2/ALTA 5 endorsements.

7 The Parties have conferred and believe a limited four month stay is warranted. The Nevada
8 Supreme Court recently heard oral argument on April 11, 2023 in two appeals involving similar
9 coverage issues, *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case
10 No. 83737 (District Court Case No. A-18-781257-C) (“*PennyMac*”) and *Deutsche Bank Nat’l*
11 *Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (District Court
12 Case No. A-20-820307-C) (“*Deutsche Bank*”). The matters have been taken under submission
13 and orders are pending. The Parties anticipate that the Nevada Supreme Court’s decisions in the
14 foregoing appeals may touch upon issues regarding the interpretation of policy and claims
15 handling, that could potentially affect the disposition of the instant action.

16 Accordingly, the Parties believe a stay of four months in the instant action will best serve
17 the interests of judicial economy. The Parties request that the action be stayed for a period of
18 four months, through and including, September 1, 2023. The Parties are to submit a Joint Status
19 Report on or before September 1, 2023. The Parties further agree that this stipulation and stay of
20 this case is entered based on the specific circumstances surrounding this particular case, and that
21 this stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

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1 Notwithstanding the foregoing, in order to preserve evidence, the Parties may propound
2 subpoenas duces tecum and deposition subpoenas to third parties while this stay is in effect, and
3 the Parties may enforce subpoenas that the Parties propounded to third parties.

4 **IT IS SO STIPULATED.**

5 DATED this 1st day of May, 2023

6 WRIGHT, FINLAY & ZAK, LLP

7
8 /s/ Lindsay D. Dragon

9 Lindsay D. Dragon, Esq.

10 Nevada Bar No. 13474

11 7785 W. Sahara Ave., Suite 200

12 Las Vegas, NV 89117

13 *Attorneys for Plaintiff*

DATED this 1st day of May, 2023.

EARLY SULLIVAN WRIGHT GIZER
& McRAE LLP

8 /s/ Sophia S. Lau

9 Sophia S. Lau, Esq.

10 Nevada Bar No. 13365


11 8716 Spanish Ridge Avenue, Suite 105

12 Las Vegas, Nevada 89148

13 *Attorneys for Defendants*

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15 **IT IS SO ORDERED.**

16 Dated this 2nd day of May, 2023.

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18 ANNE R. TRAUM
19 UNITED STATES DISTRICT COURT JUDGE
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